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Family court cases involving child custody, access and support arrangements, 2009/2010

by Mary Bess Kelly

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0 true zero or a value rounded to zero
0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
^{p} preliminary
^{r} revised
x suppressed to meet the confidentiality requirements of the *Statistics Act*
^{E} use with caution
F too unreliable to be published

Family court cases involving child custody, access and support arrangements, 2009/2010: Highlights

- The family court caseload in seven reporting provinces and territories grew slightly (+1%) in 2009/2010 to almost 330,000 cases. Increases in the caseload, composed of both new cases initiated during the year and cases ongoing from a previous year, were seen in five of the seven reporting provinces and territories.

- Divorce and other family breakdown cases represented 70% of the family court caseload in 2009/2010. The remaining 30% involved adoption, child protection, civil protection, enforcement, guardianship and other family matters.

- In general, divorce and other family breakdown cases involving children, particularly those related to access and child support, remain in the civil court system longer than those without issues involving children. In 2009/2010, one-third (32%) of divorce cases involving both access and support had been in the civil court system for at least four years, more than triple the proportion of divorce cases (10%) that did not involve children.

- Family breakdown cases involving only access tend to involve a higher number of court events than those involving only custody or child support. On average, access cases involved almost twice as many pre-trial hearings as custody or child support cases, as well as a higher average number of adjournments and judgments during the case.

- In 2009/2010, about one in ten family court cases involving custody, access or child support had involved a trial during the case. Of those that did reach the trial stage, cases involving access and child support tended to take longer to reach trial than those involving custody.

Family court cases involving child custody, access and support arrangements, 2009/2010

By Mary Bess Kelly

Family law cases include matters such as separation, divorce, custody, access, child and/or spousal support arrangements, child protection and guardianship. These kinds of issues may be very complex, sensitive, and emotionally difficult for the individuals involved. This can be especially true for parents and children transitioning through a separation or divorce when arrangements for the care of the children need to be decided (Department of Justice, 2010).

In Canada, there are many provincial and territorial programs and services aimed at encouraging individuals to resolve their family law disputes instead of bringing their case to court. These types of services include mediation and conciliation, as well as parent education programs and family law information centres that provide support and guidance to those involved (Department of Justice, 2006). In 2006, nearly six in ten recently separated or divorced individuals made use of at least one of these services to help work through their break-up (Beaupré and Cloutier, 2007).

Some individuals turn to the civil court system to resolve their family law issues. For instance, for about one-fifth of parents with an arrangement for spending time with their children in 2006, the arrangement had been ordered as a result of a decision made during a court hearing or trial (Robinson, 2009).

As family law cases proceed through the courts, many questions surrounding the process arise. For example, how many family law cases are handled through the courts? How long does it generally take the courts to process different types of family law cases? Are there differences among specific cases, such as those involving child access, custody and support arrangements, in the court activity and time needed to address the issues?

Using data from the Civil Court Survey, this article examines family law cases within the civil court system in order to more closely examine the key questions mentioned above. It is important to note that collection of the Civil Court Survey data is in its early stages of development and is limited to information available from the court operational systems used in seven reporting provinces and territories (Nova Scotia, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut) representing 66% of Canada's population.[1] Information related to the types of issues involved in family cases, such as child access, custody and support, may not be fully captured by these systems and, as such, data presented in this article may represent an undercount of these matters. In addition, differences in how cases are processed in the provinces and territories may impact results.

Structure of the family court system

In Canada, responsibility for the civil court system is divided between the federal and provincial/territorial governments.[2] As such, family law cases may be handled by different levels of court. Cases related to federal statutes, such as divorce cases, as well as property matters, are heard under superior level, also referred to as Section 96 courts, while most other family law matters, such as child custody, access and support are usually dealt with by provincial or territorial courts.

Some provinces have unified family courts which permit all aspects of family law to be dealt with in a single court.[3] The unified family courts are presided over by superior court judges, who hear matters of both federal and provincial/territorial jurisdiction. This approach permits all aspects of family matters to be dealt with in an integrated manner and eliminates the necessity of going before different courts to settle related matters (Department of Justice, 2005).

Small increase in family law cases in 2009/2010

In 2009/2010, family law cases accounted for just over one-third (35%) of all civil court cases in the seven reporting provinces and territories, ranging from 34% in Ontario to 76% in Nunavut (Table 1). The remaining civil court caseload involved civil actions, such as bankruptcy, probate matters and other claims involving money.

The active family court caseload, composed of both new cases initiated during the year and cases ongoing from a previous year, grew slightly (+1%) in 2009/2010 to almost 330,000 cases (Table 1). Increases were seen in all but two of the reporting jurisdictions, namely British Columbia and the Northwest Territories.

The increase in active cases in 2009/2010 was the result of new cases initiated throughout the year. Nearly 180,000 new family law cases were initiated in 2009/2010, an increase of 2% from the year before (Table 1). The number of new cases was higher than the year before in all reporting provinces and territories with the exception of the Northwest Territories. New cases represented over one-half (54%) of all active family cases, although the proportion varied among the provinces and territories, ranging from 37% in British Columbia to 79% in Nunavut.

Divorce and other family breakdown most common types of family law cases

Together, divorce and other family breakdown cases compose the majority of family law cases. In the seven reporting provinces and territories in 2009/2010, divorce cases accounted for just over one-third (35%) of all family court cases[4] (Table 2, Chart 1). These types of cases are dealt with under the federal *Divorce Act* legislation and may involve corollary issues such as custody, access and child and spousal support arrangements, as well as decisions involving the division of marital property.[5]

Another 35% of family court cases in 2009/2010 involved other family breakdown cases dealt with under provincial or territorial legislation. These cases addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.[6]

Chart 1
Family court cases, by type of case, 2009/2010

1. Refers to family court cases that had activity or were initiated during the year.
2. Refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union. Additionally, the category includes cases that may also have involved other issues, such as child protection, civil protection or guardianship.
3. Includes, for example, cases involving adoption, child protection, civil protection, enforcement, family estate matters and those categorized as "other family". Cases involving only "other family" matters represent 49% of this category.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. Information related to separation, custody, access, support (child and/or spousal and/or other) and/or division of property may be under reported due to data limitations. Some cases under the "Other" or "Unknown" categories may have involved these issues, but they have not been identified in the survey data.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

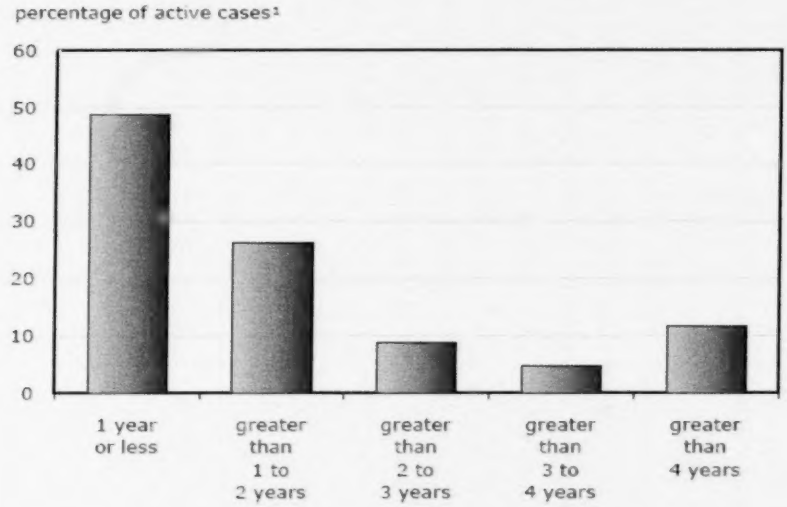
The remaining 30% of family court cases involved adoption, child protection, civil protection, enforcement of an existing order, guardianship and other family matters that that did not involve family breakdown (Table 2).[7]

Half of all divorce and other family breakdown cases still active more than one year later

The following sections focus on cases involving family breakdown, more specifically, cases involving divorce as well as those outside of a divorce proceeding involving custody, access, child and spousal support arrangements and property decisions.

In 2009/2010, about half (51%) of all active divorce and family breakdown cases in the reporting provinces and territories had been initiated more than one year earlier.[8] The other half (49%) were new cases initiated that year (Chart 2).

Chart 2
Divorce and other family breakdown court cases, by time since initiation, 2009/2010



1. Refers to court cases that had activity or were initiated during the year. Percentages exclude cases where time since initiation is unknown.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. "Other family breakdown" refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

The length of time since initiation for divorce and family breakdown cases varies among the reporting provinces and territories (Table 3).[9] For example, the proportion of cases initiated more than four years earlier ranged from 2% of cases in the Northwest Territories to over 20% in Yukon, British Columbia and Nova Scotia.

Information available from the reporting provinces and territories indicates that the length of time since initiation also varies according to the particular issues involved in the family court case (Table 4).[10] Those cases identifying issues involving children, such as access, custody and child support, appear to remain longer in the civil court system. More specifically, 75% of divorce cases with issues related to children had been active for more than one year, compared to 46% for divorce cases with no issues involving children. Divorce cases involving both child access and child and/or spousal support were shown to have the highest proportion of cases remaining in the civil court system for more than four years (32%) (Table 4).

Support is most common issue for lengthy divorce and other family breakdown cases

The most common issue for divorce and other family breakdown cases involving children that have been proceeding through court for longer periods is support. Of those cases remaining in the court system for more than four years, 84% had addressed support arrangements at some point during the life of the case. This may partly reflect cases being brought back to court over time to vary original support agreements due to a change in the circumstances of the parties involved.[11]

Cases dealing only with custody involve shorter periods of time in civil court system

In order to better understand how civil courts handle family law issues concerning children, the remaining sections examine cases addressing a single issue only, in other words, one of the following: custody, access or child support.[12] More specifically, the average case length as well as the volume and timing of court activity are analysed.

Examining single issue cases by length of case, shows that cases involving only custody involve shorter periods of time in the court system compared to access or child support cases. In 2009/2010, cases involving only custody had been active in court for an average of about 8 months. In comparison, access cases had been active for closer to a year and a half, while child support cases had been ongoing for an average of just over two years.

Child access cases involve higher number of court events than child support or custody cases

A variety of activities or "events" take place as family law cases proceed through court. Some events, such as pre-trial hearings or conferences, move cases forward through the civil court process while others, namely adjournments, prolong the court process by postponing hearings to a later date. There are also events that involve dispositions or decisions that resolve or dispose of some or all of a case. Many of these events are considered to be "judgments", which include all decisions made by the court, including interim orders, orders and summary judgments.

Measuring the number of events that occur throughout the life of a given case is one way of measuring its complexity. These data show that child access cases tend to involve a more complex court process, or a higher number of events, compared to those involving only child support or custody (Table 5). In other words, access cases involve, on average, more pre-trial hearings, adjournments and judgments over the life of the case, compared to child support or custody cases.

Another factor related to the complexity of a case and the time needed to resolve issues is whether or not issues in the case are being contested or disputed between the parties involved. In 2009/2010, one-third (33%) of access cases were contested, the highest proportion among single issue cases (Text table 1). In comparison, about 23% of cases involving custody and 17% of child support cases were contested.

Text table 1
Contested divorce and other family breakdown cases involving a single issue, 2009/2010

Single issue identified in case	Total cases	Total cases with full history[1]	Total contested cases[2]	
	number		number	percent
Child support	23,988	20,756	3,590	17
Custody	17,807	17,313	4,058	23
Access	8,549	7,974	2,608	33

1. Refers to cases where the complete case history was reported to the Civil Court Survey.
2. Refers to those cases where a Statement of Defence (the defendant's response to a claim or application) has been filed.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. "Other family breakdown" refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.
Source: Statistics Canada, Civil Court Survey.

Child support and access cases take longer to reach trial than custody cases

Although most single issue cases had involved pre-trial hearings, adjournments and judgments throughout the case, the vast majority had never involved a trial (Table 5). In 2009/2010, less than 10% of each of these types of cases had involved a trial event during the case.

Of those cases that did reach the trial stage, the length of time taken differed by type of case (Text table 2). Most cases (82%) involving custody reached trial within one year, whereas about half of all access cases (53%) and child support cases (57%) reached trial within one year.[13]

Text table 2
Divorce and other family breakdown cases involving a single issue with trial event, by elapsed time from case initiation to trial, 2009/2010

Single issue identified in case	Cases with trial event	Trial held within 1 year	Trial held after 1 year or more
	number	percent[1]	
Child support	1,913	57	43
Custody	1,393	82	18
Access	699	53	47

1. Percentage for "Access" excludes one case where the date of initiation was unknown.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. Calculated for those cases with trial and where the complete case history has been collected by the Civil Court Survey. "Other family breakdown" refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.
Source: Statistics Canada, Civil Court Survey.

First decision in cases involving access, custody and child support usually reached within three months

Dispositions, or decisions that resolve some or all of a case, include judgments and other decisions made to settle, withdraw or dismiss a case. In the majority of single issue cases involving access, custody or child support, the first disposition (in most cases a judgment) was reached within three months (Table 6). The proportion was lower in child support cases (66%) compared to custody (85%) and access (84%) cases.

In 2009/2010, the volume of disposition events varied among cases involving the three issues (Table 7). Cases involving access were found to have a higher average number of disposition events per case (3.2) during 2009/2010 than child support (2.5) or custody cases (2.0).

Summary

This article examined family law cases within the civil court system in seven provinces and territories: Nova Scotia, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut. In 2009/2010, more than two-thirds of family law cases in these jurisdictions involved divorce or other family breakdown cases relating to issues of separation, custody, access, support or division of property.

Support was the most common issue handled by the courts for cases remaining in the court system for more than four years. Cases involving only access were found to involve a higher average number of pre-trial hearings, adjournments and judgments made throughout the life of the case compared to cases involving only custody or child support. Although most family law cases do not involve trials, it was found to take longer for a trial to be reached in cases involving access and child support than custody cases.

Data sources

Civil Court Survey

The objective of the Civil Court Survey (CCS) is to develop and maintain a national database of information on civil court events and cases. The survey is intended to be a census of all civil court activity in Canada. It collects microdata on court events at both the superior and provincial and territorial court levels. Appeal courts, federal courts (e.g., Tax Court of Canada) and the Supreme Court of Canada are out of scope for this survey.

Data limitations

In 2009/2010, seven provinces and territories (Nova Scotia, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut) reported to the Civil Court Survey. The collection of data is from administrative records stored in the civil court automated information systems. Given that the data are derived from records originally kept for non-statistical purposes, complete survey information is not always available. Of note for this article is the fact that information related to corollary issues, such as custody, access and child support may be under-reported. The degree of under-reporting is unknown and findings are limited to family cases where the information is available. Given that the data collection methodology requires the existence of detailed operational information systems that have not yet been developed in all jurisdictions, it will take time for the survey to achieve full coverage.

Reference and collection period

The reference period is the 12-month fiscal period between April 1st and March 31st. Data are collected quarterly in the month following the end of the quarter (July, October, January and April).

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Notes

1. Excludes Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data.

2. The administration of civil courts is primarily a provincial/territorial responsibility and the structure and operation of the courts vary from one jurisdiction to another. For example, in Nunavut, there is no territorial court. Matters that would normally be heard at that level are heard by the Nunavut Court of Justice, a superior court. These types of differences have an impact on the survey results and means that any comparisons between jurisdictions should be made with caution.

3. Two of the seven provinces that report to the Civil Court Survey, Nova Scotia and Ontario, have some regions of the province served by unified family courts.

4. Proportions exclude "unknown" family case types.

5. Property issues are generally dealt with at the same time as divorce proceedings but under provincial/territorial family law legislation. Custody, access and support issues may also be determined under provincial/territorial legislation within divorce proceedings if the individuals involved choose to do so (Department of Justice 2002).

6. Additionally, this category includes cases that may also have involved other issues, such as child protection, civil protection or guardianship.

7. Cases involving only "other family matters" represented 49% of this category in 2009/2010.

8. Time since initiation is calculated based on a fiscal year end of March 31.

9. It is important to note that differences in how cases are processed in the provinces and territories may impact results related to "time since initiation" and comparisons between jurisdictions should be made with caution. For example, depending on jurisdictional practices, a variation of an existing order or further disputes related to the same family may either be captured under the original case file (which may distribute cases toward a longer "time since initiation") or as a new case.

10. The data used for this analysis are collected by the Civil Court Survey from the operational systems used to register and track civil court proceedings in the reporting provinces and territories. Many of these systems do not capture the nature of corollary issues or relief sought when cases are first initiated. Information on the issues involved in family cases has been derived from activity over the life of the case, such as information on court orders, although there is often limited judgment detail available. Information related to these issues may be under-reported and findings are limited to family cases where the information is available. The degree of under-reporting is unknown.

11. Depending on jurisdictional practices, a variation of an existing order may either be captured under the original case file or as a new case.

12. Note that cases involving only a single issue do not represent the majority of family cases. However, in order to isolate particular aspects of cases that have issues of custody, access, or support, it was necessary to examine single issue cases (which represented about 23% of all divorce and family breakdown cases). These issues may be under-reported to the Civil Court Survey based on coverage limitations of the survey (see Note 10). Findings are limited to those cases where the information has been identified.

13. Calculated only for cases where the full case history was known.

14. See Note 13.

Detailed data tables

Table 1
Family court cases, selected provinces and territories, 2005/2006 to 2009/2010

		Active cases[1]						
		Initiated cases[3]		Ongoing cases[4]		Total active cases		
Province or territory[2]	Year	number	percent change from previous year	number	percent change from previous year	number	percent change from previous year	percent of total active civil court cases
Nova Scotia	2005/2006	7,335	..	9,015	..	16,350	..	40
	2006/2007	6,599	-10	9,376	4	15,975	-2	40
	2007/2008	6,059	-8	8,897	-5	14,956	-6	39
	2008/2009	6,057	0	8,971	1	15,028	0	39
	2009/2010	6,185	2	9,132	2	15,317	2	41
Ontario	2005/2006	101,972	..	61,742	..	163,714	..	35
	2006/2007	96,457	-5	68,137	10	164,594	1	35
	2007/2008	95,961	-1	69,773	2	165,734	1	34
	2008/2009	99,569	4	67,208	-4	166,777	1	33
	2009/2010	102,201	3	67,407	0	169,608	2	34
Alberta[5]	2005/2006	..	..	..	..	..	..	..
	2006/2007	22,660	..	3,780	..	26,440	..	..
	2007/2008	32,963	..	20,834	..	53,797	..	..
	2008/2009	43,806	..	27,679	..	71,485	..	37
	2009/2010	44,094	1	29,241	6	73,335	3	35
British Columbia	2005/2006	25,709	..	31,052	..	56,761	..	34
	2006/2007	24,951	-3	31,525	2	56,476	-1	35
	2007/2008	25,020	0	36,897	17	61,917	10	36
	2008/2009	24,896	0	45,405	23	70,301	14	37
	2009/2010	25,367	2	43,165	-5	68,532	-3	36
Yukon	2005/2006	309	..	325	..	634	..	39
	2006/2007	299	-3	276	-15	575	-9	39
	2007/2008	297	-1	303	10	600	4	41
	2008/2009	269	-9	297	-2	566	-6	41
	2009/2010	306	14	284	-4	590	4	42
Northwest Territories[6]	2005/2006	..	..	..	..	..	..	..
	2006/2007	514	..	603	..	1,117	..	52
	2007/2008	463	-10	560	-7	1,023	-8	49
	2008/2009	473	2	594	6	1,067	4	52
	2009/2010	446	-6	578	-3	1,024	-4	50
Nunavut	2005/2006	466	..	184	..	650	..	71
	2006/2007	550	18	274	49	824	27	72
	2007/2008	565	3	150	-45	715	-13	72
	2008/2009	558	-1	212	41	770	8	77
	2009/2010	668	20	177	-17	845	10	76

Table 1 (continued)
Family court cases, selected provinces and territories, 2005/2006 to 2009/2010

		Active cases[1]						
		Initiated cases[3]		Ongoing cases[4]		Total active cases		
Province or territory[2]	Year	number	percent change from previous year	number	percent change from previous year	number	percent change from previous year	percent of total active civil court cases
Total[5, 6]	2005/2006	135,791	..	102,318	..	238,109	..	35
	2006/2007	152,030	..	113,971	..	266,001	..	38
	2007/2008	161,328	..	137,414	..	298,742	..	37
	2008/2009	175,628	..	150,366	..	325,994	..	35
	2009/2010	179,267	2	149,984	0	329,251	1	35

.. not available for a specific reference period
1. Refers to family court cases that had activity or were initiated during the year.
2. Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data.
3. Refers to cases newly started during the year.
4. Refers to cases continuing from a previous year.
5. In 2006/2007, data for Alberta represented provincial level family cases only. In 2007/2008, data for Alberta represented provincial level family cases as well as superior court level family cases for the final 6 months of the year.
6. Data for the Northwest Territories are not available prior to 2006/2007.
Source: Statistics Canada, Civil Court Survey.

Table 2
Family court cases, by type of case, selected provinces and territories, 2009/2010

Province or territory[1]	Type of active family court case[2]				Total active cases
	Divorce	Other family breakdown (non-divorce)[3]	Other[4]	Unknown	
	number				
Nova Scotia	5,500	2,816	7,000	1	15,317
Ontario	53,452	54,370	61,705	81	169,608
Alberta	29,343	25,227	16,639	2,126	73,335
British Columbia	22,915	27,307	7,383	10,927	68,532
Yukon	240	105	245	0	590
Northwest Territories	137	175	110	602	1,024
Nunavut	39	189	617	0	845
Total	**111,626**	**110,189**	**93,699**	**13,737**	**329,251**
	percent				
Nova Scotia	36	18	46	...	100
Ontario	32	32	36	...	100
Alberta	41	35	23	...	100
British Columbia	40	47	13	...	100
Yukon	41	18	42	...	100
Northwest Territories	32	41	26	...	100
Nunavut	5	22	73	...	100
Total	**35**	**35**	**30**	**...**	**100**

... not applicable
1. Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data.
2. Refers to family court cases that had activity or were initiated during the year. Information on the issues involved in active family cases has been derived from activity over the life of the case.
3. Refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union. Additionally, the category includes cases that may also have involved other issues, such as child protection, civil protection or guardianship.
4. Includes, for example, cases involving adoption, child protection, civil protection, enforcement of an existing order and those categorized as "other family". Cases involving only "other family" matters represent 49% of this category.
Note: Information related to separation, custody, access, support (child and/or spousal and/or other) and/or division of property may be under reported due to data limitations. Some cases under the "Other" or "Unknown" categories may have involved these issues, but they have not been identified in the survey data.
Source: Statistics Canada, Civil Court Survey.

Table 3
Divorce and other family breakdown court cases, by time since initiation, selected provinces and territories, 2009/2010

Province or territory[1]	Time since initiation						Total active cases[2]
	1 year or less	greater than 1 year to 2 years	greater than 2 years to 3 years	greater than 3 years to 4 years	greater than 4 years	Unknown	
	number						
Nova Scotia	3,241	1,934	819	531	1,788	3	8,316
Ontario	57,072	33,646	8,990	3,763	4,351	0	107,822
Alberta	27,441	11,814	4,218	2,383	8,492	222	54,570
British Columbia	19,642	10,628	5,068	3,764	11,065	55	50,222
Yukon	146	61	30	17	91	0	345
Northwest Territories	182	73	27	24	6	0	312
Nunavut	128	34	22	6	38	0	228
Total	**107,852**	**58,190**	**19,174**	**10,488**	**25,831**	**280**	**221,815**
	percent						
Nova Scotia	39	23	10	6	22	...	100
Ontario	53	31	8	3	4	...	100
Alberta	50	22	8	4	16	...	100
British Columbia	39	21	10	8	22	...	100
Yukon	42	18	9	5	26	...	100
Northwest Territories	58	23	9	8	2	...	100
Nunavut	56	15	10	3	17	...	100
Total	**49**	**26**	**9**	**5**	**12**	**...**	**100**

... not applicable
1. Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data.
2. Refers to court cases that had activity or were initiated during the year.
Note: "Other family breakdown" refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union. It is important to note that differences in how cases are processed in the provinces and territories may impact results related to "time since initiation" and comparisons between jurisdictions should be made with caution. For example, depending on jurisdictional practices, a variation of an existing order or further disputes related to the same family may either be captured under the original case file (which may distribute cases toward a longer "time since initiation") or as a new case.
Source: Statistics Canada, Civil Court Survey.

Table 4
Divorce and other family breakdown court cases, by time since initiation, 2009/2010

Type of court case[1]	Time since initiation						
	1 year or less	greater than 1 year to 2 years	greater than 2 years to 3 years	greater than 3 years to 4 years	greater than 4 years	Unknown	Total
	number						
With no issues involving children identified – total	**58,478**	**26,859**	**7,284**	**4,125**	**11,023**	**196**	**107,965**
Divorce	**50,127**	**23,259**	**5,948**	**3,471**	**9,266**	**184**	**92,255**
Other family breakdown[2]	**8,351**	**3,600**	**1,336**	**654**	**1,757**	**12**	**15,710**
With issues involving children identified – total[3]	**49,374**	**31,331**	**11,890**	**6,363**	**14,808**	**84**	**113,850**
Divorce	**4,869**	**5,661**	**3,330**	**2,067**	**3,414**	**30**	**19,371**
Access	210	163	78	56	184	1	692
Access and custody	468	391	157	86	147	1	1,250
Access and custody and support[4]	2,323	3,092	1,913	1,179	1,615	19	10,141
Access and support[4]	191	308	221	175	427	6	1,328
Child support[5]	511	626	344	191	464	0	2,136
Custody	278	205	85	53	79	0	700
Custody and support[4]	888	876	532	327	498	3	3,124
Other family breakdown[2]	**44,505**	**25,670**	**8,560**	**4,296**	**11,394**	**54**	**94,479**
Access	4,084	2,357	642	246	522	6	7,857
Access and custody	7,751	5,081	1,437	567	863	1	15,700
Access and custody and support[4]	6,437	6,447	2,921	1,668	3,599	8	21,080
Access and support[4]	1,141	1,102	451	206	613	4	3,517
Child support[5]	10,213	5,407	1,673	858	3,679	22	21,852
Custody	12,097	3,464	705	247	586	8	17,107
Custody and support[4]	2,782	1,812	731	504	1,532	5	7,366
Total active cases[6]	**107,852**	**58,190**	**19,174**	**10,488**	**25,831**	**280**	**221,815**
	percent						
With no issues involving children identified – total	**54**	**25**	**7**	**4**	**10**	**...**	**100**
Divorce	**54**	**25**	**6**	**4**	**10**	**...**	**100**
Other family breakdown[2]	**53**	**23**	**9**	**4**	**11**	**...**	**100**
With issues involving children identified – total[3]	**43**	**28**	**10**	**6**	**13**	**...**	**100**
Divorce	**25**	**29**	**17**	**11**	**18**	**...**	**100**
Access	30	24	11	8	27	...	100
Access and custody	37	31	13	7	12	...	100
Access and custody and support[4]	23	31	19	12	16	...	100
Access and support[4]	14	23	17	13	32	...	100
Child support[5]	24	29	16	9	22	...	100

Table 4 (continued)
Divorce and other family breakdown court cases, by time since initiation, 2009/2010

	Time since initiation						
Type of court case[1]	1 year or less	greater than 1 year to 2 years	greater than 2 years to 3 years	greater than 3 years to 4 years	greater than 4 years	Unknown	Total
	percent						
Custody	40	29	12	8	11	...	100
Custody and support[4]	28	28	17	10	16	...	100
Other family breakdown[2]	**47**	**27**	**9**	**5**	**12**	...	**100**
Access	52	30	8	3	7	...	100
Access and custody	49	32	9	4	5	...	100
Access and custody and support[4]	31	31	14	8	17	...	100
Access and support[4]	32	31	13	6	17	...	100
Child support[5]	47	25	8	4	17	...	100
Custody	71	20	4	1	3	...	100
Custody and support[4]	38	25	10	7	21	...	100
Total active cases[6]	**49**	**26**	**9**	**5**	**12**	...	**100**

1. A single court case may involve more than one court event (for example, document filings, hearings and judgments) as it proceeds through civil court. Each event may involve more than one issue. The Civil Court Survey captures up to seven issues for each event.
2. Refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union. Additionally, the category includes cases that may also have involved other issues, such as child protection, civil protection or guardianship.
3. The data used for this analysis are collected by the Civil Court Survey from the operational systems used to register and track civil court proceedings in the reporting provinces and territories. Many of these systems do not capture the nature of corollary issues or relief sought when cases are first initiated. Some of the information on the issues involved in family cases has been derived from activity over the life of the case, such as information on court orders, although there is often limited judgment detail available. Information related to these issues may be under reported and findings are limited to family cases where the information is available. The degree of under reporting is unknown.
4. Support may include one or more issues of child support, spousal support and other/unspecified support.
5. Some of these cases may also have involved spousal or other/unspecified support.
6. Refers to court cases that had activity or were initiated during the year.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data.
Source: Statistics Canada, Civil Court Survey.

Table 5
Divorce and other family breakdown cases involving a single issue, by average number of events over length of case, 2009/2010

Type of event	Single issue identified in case	Total cases	Total cases with full history[1]	Cases with event		Average number of events
		number		number	percent	
Pre-trial hearing[2]	Child support	23,988	20,756	12,295	59	1.9
	Custody	17,807	17,313	5,669	33	0.9
	Access	8,549	7,974	5,758	72	3.3
Adjournment[3]	Child support	23,988	20,756	11,761	57	1.9
	Custody	17,807	17,313	11,201	65	2.3
	Access	8,549	7,974	6,084	76	3.1
Judgment[4]	Child support	23,988	20,756	16,978	82	3.7
	Custody	17,807	17,313	13,198	76	2.3
	Access	8,549	7,974	7,190	90	4.8
Trial	Child support	23,988	20,756	1,913	9	0.2
	Custody	17,807	17,313	1,393	8	0.1
	Access	8,549	7,974	699	9	0.2

1. Refers to cases where the complete case history was reported to the Civil Court Survey.
2. Pre-trial hearings include case management conferences, discovery proceedings, pre-trial conferences or hearings, motion/application/default hearings, status and reference hearings.
3. Adjournments include any postponement of a court hearing or trial to another date.
4. Judgments include all decisions made by a judge (or a master), including interim orders, orders, or other decisions that dispose of part of or all of the case, including summary judgments.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. "Other family breakdown" refer to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.
Source: Statistics Canada, Civil Court Survey

Table 6
Divorce and other family breakdown cases involving a single issue by elapsed time from case initiation to first disposition, 2009/2010

	Elapsed time to first disposition[1]							
Single issue identified in case	less than or equal to 3 months	greater than 3 months to 6 months	greater than 6 months to 12 months	greater than 12 months	Unknown	Total cases with disposition[2]	Total cases with full history[3]	Total active cases[4]
	number							
Child support	11,805	3,707	1,541	809	40	17,902	20,756	23,988
Custody	13,003	1,451	589	221	11	15,275	17,313	17,807
Access	6,283	819	302	108	22	7,534	7,974	8,549
	percent							
Child support	66	21	9	5	...	100	...	...
Custody	85	10	4	1	...	100	...	...
Access	84	11	4	1	...	100	...	...

... not applicable
1. Calculated for cases where the full case history was reported to the Civil Court Survey.
2. A disposition is a court event that disposes part or all of the civil case (e.g., settlement, consent judgment and judgment).
3. Refers to cases where the complete case history has been collected by the Civil Court Survey.
4. Refers to court cases that had activity or were initiated during the year.
Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. "Other family breakdown" refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.
Source: Statistics Canada, Civil Court Survey.

Table 7
Number of disposition events for divorce and family breakdown cases involving a single issue, by type of issue and type of disposition, 2009/2010

	Single issue identified in case		
	Child support	**Custody**	**Access**
Type of disposition event[1]	**number**		
Withdrawn/abandoned[2]	1,027	2,233	552
Dismissed/discontinued[3]	1,206	1,818	454
Settled or consent judgment[4]	5,916	2,300	2,760
Judgment[5]	49,972	27,329	22,571
Other disposition event[6]	1,730	1,461	1,197
Total disposition events[7]	**59,851**	**35,141**	**27,534**
Average number of disposition events per case	2.5	2.0	3.2
	percent		
Withdrawn/abandoned[2]	2	6	2
Dismissed/discontinued[3]	2	5	2
Settled or consent judgment[4]	10	7	10
Judgment[5]	83	78	82
Other disposition event[6]	3	4	4
Total disposition events[7]	**100**	**100**	**100**

1. Refers to events that dispose of, or resolve, some or all of the case. A case may have more than one type of disposition associated with it.
2. Refers to cases in which one or both of the parties withdraws from, or abandons, a case for any reason without direction from the court.
3. Includes all cases dismissed or discontinued by the court for want of action or jurisdiction.
4. Refers to an agreement by the parties regarding outstanding issues such as settlements without a trial or during trial, or where a court order confirms an agreement reached by the parties.
5. A decision made by a judge (or a master), including interim orders, orders, decisions on costs or other decisions that dispose of some or all of the case, including summary judgments.
6. Includes default and enforcement judgments, time limit expired, transferred to another court, other and unknown disposition event.
7. A case may have more than one type of disposition associated with it.

Note: Excludes data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Quebec, Manitoba and Saskatchewan due to the unavailability of data. "Other family breakdown" refers to cases that addressed issues of custody, access, support or division of property outside of a divorce proceeding such as cases of separation or those deciding arrangements for a child born outside a union.
Source: Statistics Canada, Civil Court Survey.